



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,262	05/04/2001	Justin Charles Moodie	11266/113	6301

23838 7590 03/16/2006

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,262

Applicant(s)

MOODIE ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/26/03 & 11/12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 12/8/2005.
2. Applicant has elected Group I, consisting of claims 1-17 and 28-36.
3. Claims non-elected are presumed withdrawn. The non-elected claims should include identifier "withdrawn" . See 37 CFR 1.121.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 and 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holda-Fleck (5,729,693 hereinafter Holda-Fleck).

With respect to claims 1, 4, 14, 15, Holda-Fleck teaches receiving a voucher carrying a voucher code (col. 4, lines 14-20); inputting the voucher code to a terminal (col. 4, lines 28-35); and transmitting the voucher code from the terminal over a network to a predetermined network address (col. 4, lines 44-63).

Holda-Fleck doesn't specifically teach that the terminal/telephone is mobile and that the network is a wireless network. Official notice is taken that it is old and well known for terminal to be mobile and for network to be wireless network because such a modification would allow convenience to the users by overcoming the need to attach cables or the like. It would have been obvious to a person of ordinary skill in the art at

the time of Applicant's invention to have included the telephone of Holda-Fleck to be mobile and to be part of a wireless network in order to achieve the above advantages.

With respect to claim 2, Holda-Fleck further teaches transmitting an address of the terminal on the network to the predetermined network address (col. 4, lines 22-24).

With respect to claim 3, Holda-Fleck further teaches that the address of the terminal is automatically transmitted with the voucher code (col. 4, lines 22-24).

With respect to claims 5, 6, 28-31 Holda-Fleck further teaches receiving a message stating the number of points or discounts in the respective user's account after addition of the value of the voucher (col. 5, lines 26-32).

Claims 7-9, 16, 32-36, further recite including a question, inputting an answer to the question and transmitting the answer to a network address and letting the users know if the answer was incorrect. Official notice is taken that it is old and well known in marketing and the like for the users to be asked certain questions about a product or service and based on the users answers issuing points, coupons or discounts on products or services pertaining to the users interests. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a question, inputting an answer to the question and transmitting the answer to a network address and receiving points in order to obtain the above mentioned advantage.

Claims 10-13, 17 further recite a password and logging into a server over the network using said password to receive a reward. Official notice is taken that it is old and well known to use passwords or the like to log into a server to receive awards or the like because such a modification would allow only authorized users to receive rewards. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included including a password and logging into a server over the network using said password to receive a reward in order to obtain the above mentioned advantage.

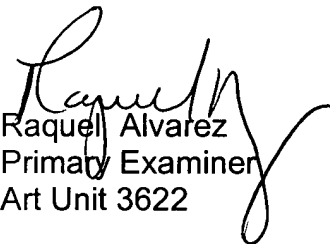
Point of contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
2/24/2006